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36671 7590 09/19/2011 DITTHAVONG MORI & STEINER, P.C. 918 Prince Street Alexandria, VA 22314				
EXAMINER				
CHANDLER, SARA M				
ART UNIT		PAPER NUMBER		
3693				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

Office Action Summary**Application No.**

10/800,270

Applicant(s)

GILMORE, NORMAN

Examiner

SARA CHANDLER

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/25/10.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-4, 6-13 and 15-24 is/are pending in the application.
- 5a) Of the above claim(s) 19 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-4, 6-13, 15-18 and 20-24 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CIB) Paper No(s)/Mail Date ____

- 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's arguments and request for continued examination of application 10/800,270 (03/12/04) filed on 10/25/10.

Claim Interpretation

1. In determining patentability of an invention over the prior art, all claim limitations have been considered and interpreted as broadly as their terms reasonably allow. See MPEP § 2111.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

2. All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. See MPEP 2106 II C. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP § 2106 II C.

Language in a method claim that states only the intended use or intended result, but the expression does not result in a manipulative difference in the steps of the claim. Language in a system claim that states only the intended use or intended result, but does not result in a structural difference between the claimed invention and the prior art.

In other words, if the prior art structure is capable of performing the intended use, then it meets the claim.

Claim limitations that contain statement(s) such as “*if, may, might, can could*”, as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as “*wherein, whereby*”, that fail to further define the steps or acts to be performed in method claims or the discrete physical structure required of system claims.

USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation. For processes, the claim limitations will define steps or acts to be performed. For products, the claim limitations will define discrete physical structures or materials. Product claims are claims that are directed to either machines, manufactures or compositions of matter. See MPEP § 2106 II C.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) “adapted to” or “adapted for” clauses,
- (C) “wherein” clauses, or
- (D) “whereby” clauses.

See MPEP § 2106 II C.

3. Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct

inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Re Claim 10: Claim 10 as amended recites, "a modeling module, comprising at least one of the one or more processors, configured to" It would seem that the "modeling module" is software it is only when it is executed by a processor that it will "generate a financial model ..."

NOTE: This rejection may be overcome by indicating in applicant's specification where support may be found for the claim limitation.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 6-13, 15-18 and 20-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, essential steps and/or essential structural cooperative relationships of elements such omission amounting to a gap between the elements, the steps and/or the necessary structural connections. See MPEP § 2172.01. The omitted elements, the steps and/or structural cooperative relationships are:

Re Claims 1, 9 and 10: The preamble of claim 1 recites, "A method for providing forecasting and modeling, implemented by one or more processors programmed by a set of instructions to perform the steps of:" Should this be -- A method **for generating a financial model**, implemented by one or more processors programmed by a set of instructions to perform the steps of: -- or something similar?

The preamble is inaccurate as to the invention claimed since forecasting is never addressed or accomplished by the invention claimed. There should be a correlation between the preamble of the claims and the invention actually claimed.

NOTE: Similar changes needed for 9 and 10.

Re Claims 1, 9 and 10: Claim 1 recites, "receiving one or more functor objects from the users responsive to the functor requests;" Should this be -- receiving one or

more functor objects **[containing the data and programs/ for the data and programs ???]** from the users responsive to the functor requests; -- or something similar?

In other words, do the functor objects contain or are the functor objects for the same data and programs as the data and programs for which the functor requests were received? If so, the language should be clarified in the claim.

NOTE: Similar changes needed for 9 and 10.

Re Claims 1, 9 and 10: Claim 1 recites, "and the one or more processors generating a financial model, comprising a simulation framework linked to ~ re-usable financial components based upon the collected functor objects containing the data and programs, wherein the financial model supports user approval of selected ones of the financial components."

Should this be, "the one or more processors generating a financial model, comprising a simulation framework linked to re-usable financial components based upon **the received** functor objects **[containing the data and programs/ for the data and programs ???]**;

and the one or more processors receiving via the financial model user approval of selected ones of the financial components **[from the users/ one or more of the users ???]**. -- or something similar?

Note that functor objects were never collected in the invention claimed, only data was collected.

Claims 1, 9 and 10 recite the limitation "the collected functor objects containing the data and programs". There is insufficient antecedent basis for this limitation in the claim. Note, although there a functor objects that are received by the invention claimed, there is nothing in the claim that would lend support to those functor objects being collected and/or for the functor objects "containing data and programs."

Note the interpretation supra regarding "wherein" clauses, applicant may wish to positively recite the steps or acts performed by the claimed invention.

NOTE: Similar changes needed for 9 and 10.

Re Claims 1, 9 and 10: Also, note indentation and spacing for limitations and sub-limitations in the claim.

Re Claims 2 and 11: Claim 2 recites, "A method according to claim 1, wherein the collected data resides within a spreadsheet, the method comprising: mapping content from a plurality of cells of the spreadsheet to a plurality of objects, wherein the content includes the data and programs for input into the financial model."

Should this be , -- A method according to claim 1, wherein the collected data resides within a spreadsheet, the method comprising: mapping content from a plurality of cells of the spreadsheet to **the one or more functor objects**, wherein the content includes [the data and programs **for which the functor requests were issued and the one or more functor objects received ???**]. -- or something similar?

It appears that applicant is attempting to further limit the "collecting data limitations" recited in the independent claim. Claim 2 however, does not relate the plurality of objects to the functor objects that are received by the claimed invention and ultimately used in the generation of the financial model. Thus, it is similarly unclear if same data and programs are being described.

There appears to be an issue regarding either the lack of consistent terminology or demonstrating the proper connection between the limitations claimed.

NOTE: Similar changes needed for claim 11.

Re Claims 3 and 12: Claim 3 recites, "A method according to claim 1, wherein the collected data resides within a spreadsheet, the method comprising:

mapping content including the data from a plurality of cells of the spreadsheet to one or more classes, wherein the class duplicates functionality of the spreadsheet if the class is used to create an object."

Should this be -- A method according to claim 1, wherein the collected data resides within a spreadsheet, the method comprising:

mapping content including **[the data and programs for which the functor requests were issued and the one or more functor objects received ???]** from a plurality of cells of the spreadsheet to one or more classes, wherein **[each class/ each of the one**

or more classes ???] duplicates functionality of the spreadsheet **when** the class is used to create **one of the one or more functor objects**. -- or something similar?

The claim appears to have issues regarding singular versus plural use of terms making claim interpretation ambiguous (e.g., class versus classes).

It appears that applicant is attempting to further limit the "collecting data limitations" recited in the independent claim. Claim 3 however, does not relate the object created to the functor objects that are received by the claimed invention and ultimately used in the generation of the financial model. Thus, it is similarly unclear if same data and programs are being described.

Note supra, the interpretation afforded optional and/or conditional language (e.g., "if").

NOTE: Similar changes needed for claim 12.

Re Claims 7, 8, 16, 17, 18, 20 and 23: Similar to claims 2,3, 11 and 12 above. It is unclear whether applicant's intent is to claim objects generally or functor objects specifically as described in the independent claim and incorporated into the financial model.

Re Claims 10, 11, 12, 13, 15 and 18: The preamble of the claims suggest that they are directed to a "system" or apparatus claim. As noted supra, system (i.e., apparatus) claims are defined by their structural components and how those structural components operate together. The claim uses language such as "module"

"spreadsheet-to-object mapper" which is suggestive of software. Should the claims suggest that the "one or more processors" are "configured to" do something? Alternatively, should the claims indicate that when the software is executed by the one or more processors, the one or more processors are configured to do something? It would seem that since "modules" "spreadsheet-to-object mapper" etc. are software it is only when this software is executed by the one or more processors that it will do anything

Re Claim 23: The preamble of the claims suggest that they are directed to a "system" or apparatus claim. As noted supra, system (i.e., apparatus) claims are defined by their structural components and how those structural components operate together. The claim is directed to the steps or acts typical of a method or process claim however, and does not include the structural components of a system or apparatus claim.

NOTE: This specific language used is not required and is merely used as an aide to the applicant in overcoming one or more of the rejections noted in this office action. Alternative language may be proposed. Please indicate where support may be found in applicant's specification for amendments made to the claims in order to avoid a new matter rejection.

Dependent claims are further rejected based on the same rationale as the claims from which they depend.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 9 -12 and 24 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wall, US Pat. No. 7,043,736.

Re Claims 1, 9 and 10: Wall discloses a method/computer readable storage medium/system for providing forecasting and modeling, implemented by one or more processors programmed by a set of instructions to perform the steps of the one or more processors collecting data in a multi-user peer-to-peer collaborative environment over a data network by (Wall, abstract, col. 1, lines 50-57; col. 2, lines 10 – 63; col. 3, lines 15 – 41; col. 4, lines 42 – 52; col. 5, lines 17 – 34):

issuing functor requests through a workflow router to users for data and programs (Wall, abstract, col. 1, lines 50-57; col. 2, lines 10 – 63; col. 3, lines 15 – 41; col. 4, lines 42 – 52; col. 5, lines 17 – 34);

and receiving one or more functor objects from the users responsive to the functor requests (Wall, abstract, col. 1, lines 50-57; col. 2, lines 10 – 63; col. 3, lines 15 – 41; col. 4, lines 42 – 52; col. 5, lines 17 – 34);

and the one or more processors generating a financial model, comprising a simulation framework linked to re-usable financial components based upon the collected functor objects containing the data and programs, wherein the financial model supports user approval of selected ones of the financial components (Wall, abstract, col. 1, line 38 - col. 2, line 55; col. 2, line 64 - col. 3, line 41; col. 4, line 42 - col. 5, line 16).

Inherency

In the context of Wall, the idea of having a “model” and applying a “simulation framework” raises the issue of inherency. A “model”, such as the one described by Wall, uses inputs that are varied or adjusted in order to evaluate and/or select from among solutions that are generated. Each of these acts utilizes simulation.

wherein/whereby clauses

As noted supra under claim interpretation process claims are defined by the steps or acts to be performed and apparatus claims by their structural components. Some claim limitations, such as wherein clauses, that do not require steps to be performed or do not limit a claim to a particular structure do not limit the scope of a claim or claim limitation. The instant limitation claim limitation has been given that interpretation. See MPEP § 2106 II C.

Nonfunctional Descriptive Material The fact that the data of the claimed invention pertains to finance (i.e., financial model, financial components etc.) is nonfunctional and as no bearing on steps or acts positively recited in the claimed invention).

Certain types of descriptive material, such as music, literature, art, photographs, and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture, or compilation of matter. MPEP § 2106.02.

Alternatively, Official Notice is taken that was old and well known to apply forecasting and modeling techniques to finance.

Documentary Evidence:

Wall, US Pub. No. US Pat. No. 7,043,736. In the background of the invention was describes how modeling describes behavior and how building a financial model would be beneficial in predicting financial behavior. (See Wall, col 1, lines 42-50)

Analogous Art It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings Wall to provide a method/computer readable storage medium/system for providing forecasting and modeling, implemented

by one or more processors programmed by a set of instructions to perform the steps of the one or more processors collecting data in a multi-user peer-to-peer collaborative environment over a data network by: issuing functor requests through a workflow router to users for data and programs; and receiving one or more functor objects from the users responsive to the functor requests; and the one or more processors generating a financial model, comprising a simulation framework linked to re-usable financial components based upon the collected functor objects containing the data and programs, wherein the financial model supports user approval of selected ones of the financial components.

As suggested by Wall, modeling is used to describe the behavior of a system and there may be application in finance for the purpose of predicting financial behavior.

The claimed invention applies prior art elements according to known methods to yield predictable results; applies a known technique to a known device (method, or product) ready for improvement to yield predictable results; and known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art. Thus, the claimed subject matter likely would have been obvious under KSR. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Re Claims 2 and 11: Wall discloses the claimed invention *supra* and further discloses wherein the collected data resides within a spreadsheet, and further comprising:

mapping content from a plurality of cells of the spreadsheet to a plurality of objects, wherein the content includes the data and programs for input into the financial model (Wall, col. 1, lines 42 – 57; col. 8, lines 42 – 50; col. 10, lines 51 – 65).

wherein/whereby clauses

As noted supra under claim interpretation process claims are defined by the steps or acts to be performed and apparatus claims by their structural components. Some claim limitations, such as wherein clauses, that do not require steps to be performed or do not limit a claim to a particular structure do not limit the scope of a claim or claim limitation. The instant limitation claim limitation has been given that interpretation. See MPEP § 2106 II C.

Re Claim 3 and 12: Wall discloses the claimed invention supra and further discloses wherein the collected data resides within a spreadsheet, further comprising:

mapping content including the data from a plurality of cells of the spreadsheet to one or more classes, wherein the class duplicates functionality of the spreadsheet if the class is used to create an object (Wall, col. 1, lines 42 – 57; col. 8, lines 42 – 50; col. 10, lines 51 – 65).

wherein/whereby clauses

As noted supra under claim interpretation process claims are defined by the steps or acts to be performed and apparatus claims by their structural components. Some claim limitations, such as wherein clauses, that do not require steps to be performed or do not limit a claim to a particular structure do not limit the scope of a claim or claim limitation. The instant limitation claim limitation has been given that interpretation. See MPEP § 2106 II C.

Re Claim 24: Wall discloses the claimed invention supra and further discloses wherein the functor objects received from users responsive to the functor requests specify the

necessity of additional inputs (Wall, abstract, col. 1, lines 50-57; col. 2, lines 10 – 63; col. 3, lines 15 – 41; col. 4, lines 42 – 52; col. 5, lines 17 – 34).

wherein/whereby clauses

As noted supra under claim interpretation process claims are defined by the steps or acts to be performed and apparatus claims by their structural components. Some claim limitations, such as wherein clauses, that do not require steps to be performed or do not limit a claim to a particular structure do not limit the scope of a claim or claim limitation. The instant limitation claim limitation has been given that interpretation. See MPEP § 2106 II C.

Claims 4, 6-8 , 13, 15-18 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wall as applied to claims 1 and 10 above, and further in view of Adler, US Pub. No. 2002/0169658.

Re Claims 4 and 13: Wall discloses the claimed invention supra but fails to explicitly disclose

outputting the financial model;

providing a user with a plurality of input parameters including operators;

dynamically receiving one of the input parameters from the user in support of what-if analysis of the financial model;

and generating simulation result in response to the received input parameter for retrieval by the user over the data network.

Adler discloses:

outputting the financial model (Adler, abstract, [0002] [0032] [0033] [0043] [0045] [0046] [0047] [0048] [0049] [0073] [0083]);

providing a user with a plurality of input parameters including operators (Adler, abstract, [0002] [0032] [0075] [0076]);

dynamically receiving one of the input parameters from the user in support of what-if analysis of the financial model (Adler, abstract, [0002] [0032] [0033] [0050] [0075] [0076]); and

generating simulation result in response to the received input parameter for retrieval by the user over the data network (Adler, abstract, [0002] [0032] [0075] [0076]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wall by adopting the teachings of Adler to provide outputting the financial model; providing a user with a plurality of input parameters including operators; dynamically receiving one of the input parameters from the user in support of what-if analysis of the financial model; and generating simulation result in response to the received input parameter for retrieval by the user over the data network.

As suggested by Adler, one would have been motivated to assess the risks and rewards of alternative decisions and to identify the most promising strategy to pursue.

The claimed invention applies prior art elements according to known methods to yield predictable results; applies a known technique to a known device (method, or

product) ready for improvement to yield predictable results; and known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art. Thus, the claimed subject matter likely would have been obvious under KSR. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Re Claims 6 and 15: Wall in view of Adler discloses the claimed invention supra and Adler further discloses generating a report of the simulation result via a list query language module that specifies and executes queries in list algebra, wherein the user places an arbitrary list query in an least one cell of a report grid for display (Adler, abstract, [0002] [0032] [0033] [0043] [0045] [0046] [0047] [0048] [0049] [0073] [0083] [0097] [0098]).

wherein/whereby clauses

As noted supra under claim interpretation process claims are defined by the steps or acts to be performed and apparatus claims by their structural components. Some claim limitations, such as wherein clauses, that do not require steps to be performed or do not limit a claim to a particular structure do not limit the scope of a claim or claim limitation. The instant limitation claim limitation has been given that interpretation. See MPEP § 2106 II C.

Re Claims 7 and 16: Wall in view of Adler discloses the claimed invention supra and further discloses:

selecting a plurality of cells in the report grid (Adler, [0083] [0085] [0086] [0087] [0088] [0091] [0092] [0097] [0098]); and

specifying a list query for pre-filtering the objects for selected cells containing list queries so that the pre-filtered objects are not included in the list queries (Adler, [0083] [0085] [0086] [0087] [0088] [0091] [0092] [0097] [0098]).

Re Claims 8 and 17: Wall in view of Adler discloses the claimed invention supra and Adler further discloses wherein a first user issues a request object for requesting information relating to the financial model, and the request object includes a program to collect the information and to validate a response from a second user, a response object received from the second user responsive to the request object conforming to a class interface specified by the first user, the method further comprising:

storing the request object (Adler, abstract, [0002] [0032] [0033] [0050] [0075] [0076]);
and

selectively forwarding the request object to the second user (Adler, abstract, [0002] [0032] [0033] [0050] [0075] [0076]).

Re Claim 18: Wall in view of Adler discloses the claimed invention supra and Adler further discloses a strategy game module configured to solicit input from a plurality of users to simulate a plurality of scenarios relating to the financial model, the scenarios corresponding to different competitive goals assigned to the users (Adler, abstract, [0002] [0032] [0033] [0050] [0075] [0076]).

Re Claim 20: Wall in view of Adler discloses the claimed invention supra and Adler further discloses

selecting a plurality of cells in the report grid (Adler, abstract, [0002] [0032] [0033] [0043] [0045] [0046] [0047] [0048] [0049] [0073] [0083] [0097] [0098]); and specifying a list query for collecting objects into a set, wherein a graphical embellishment is applied to cells including an object contained in the set (Adler, abstract, [0002] [0032] [0033] [0043] [0045] [0046] [0047] [0048] [0049] [0073] [0083] [0097] [0098]).

Re Claim 21: Wall in view of Adler discloses the claimed invention supra and Adler further discloses wherein the selected plurality of cells is contiguous (Adler, [0083] [0085] [0086] [0087] [0088] [0091] [0092] [0097] [0098]).

wherein/whereby clauses

As noted supra under claim interpretation process claims are defined by the steps or acts to be performed and apparatus claims by their structural components. Some claim limitations, such as wherein clauses, that do not require steps to be performed or do not limit a claim to a particular structure do not limit the scope of a claim or claim limitation. The instant limitation claim limitation has been given that interpretation. See MPEP § 2106 II C.

Re Claim 22: Wall in view of Adler discloses the claimed invention supra and Adler further discloses wherein the selected plurality of cells is discontiguous (Adler, [0083] [0085] [0086] [0087] [0088] [0091] [0092] [0097] [0098]).

wherein/whereby clauses

As noted supra under claim interpretation process claims are defined by the steps or acts to be performed and apparatus claims by their structural components. Some claim limitations, such as wherein clauses, that do not require steps to be performed or do not limit a claim to a particular structure do not limit the scope of a claim or claim limitation. The instant limitation claim limitation has been given that interpretation. See MPEP § 2106 II C.

Re Claim 23: Wall in view of Alder discloses the claimed invention supra and Adler further discloses responsive to the inputs from the plurality of users, one of adding arbitrary new classes or objects to the simulation, or making arbitrary changes to a class or object currently in the simulation (Adler, abstract, [0002] [0032] [0033] [0050] [0075] [0076]).

Response to Arguments

101

Withdrawn in view of applicant's amendments.

112

Note rejections withdrawn and maintained in view of applicant's amendments.

Prior Art

Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues. Wall fails to explicitly disclose a "generated a financial model" and "financial components."

Nonfunctional Descriptive Material The fact that the data of the claimed invention pertains to finance (i.e., financial model, financial components etc.) is nonfunctional and as no bearing on steps or acts positively recited in the claimed invention).

Certain types of descriptive material, such as music, literature, art, photographs, and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture, or compilation of matter. MPEP § 2106.02.

Alternatively, Official Notice is taken that was old and well known to apply forecasting and modeling techniques to finance.

Documentary Evidence:

Wall, US Pub. No. US Pat. No. 7,043,736. In the background of the invention was describes how modeling describes behavior and how building a financial model would be beneficial in predicting financial behavior. (See Wall, col 1, lines 42-50)

Analogous Art It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

The claimed invention applies prior art elements according to known methods to yield predictable results; applies a known technique to a known device (method, or product) ready for improvement to yield predictable results; and known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art. Thus, the claimed subject matter likely would have been obvious under KSR. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Applicant argues, Wall fails to explicitly disclose, "functor objects."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "Moreover, the claimed functor request objects or functor objects are objects that store and transport other programs across the network as one feature.") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Also as noted supra, claims 1, 9 and 10 recite the limitation "the collected functor objects containing the data and programs". There is insufficient antecedent basis for this limitation in the claim. Note, although there are functor objects that are received by the invention claimed, there is nothing in the claim that would lend support to those functor objects being collected and/or for the functor objects "containing data and programs."

Applicant argues, the prior art "teaches away."

Disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. *In re Susi*, 440 F.2d 442, 169 USPQ (CCPA 1971).

Applicant argues the prior art fails to explicitly disclose a "spreadsheet", "mapping content from a plurality of cells of the spreadsheet" and applying the same to the "financial model."

Wall discloses the use of spreadsheet tools and the content within the cells of the associated spreadsheets. Wall suggests the applicability of such

spreadsheet tools to the model described and suggests there may be applicability to financial models as well. See citations *supra*.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As noted *supra*, claims plurality of object(s)/ object(s) to the functor objects that are received by the claimed invention and ultimately used in the generation of the financial model. Thus, it is similarly unclear if same data and programs are being described.

Applicant argues, the prior art fails to explicitly disclose, "the one or more processors generating a financial model, comprising a simulation framework linked to re-usable financial components based upon the collected functor objects containing the data and programs."

In the context of Wall, the idea of having a "model" and applying a "simulation framework" raises the issue of inherency. A "model", such as the one described by Wall, uses inputs that are varied or adjusted in order to evaluate and/or select from among solutions that are generated. Each of these acts utilizes simulation. See also, citations *supra*.

Also as noted *supra*, claims 1, 9 and 10 recite the limitation "the collected functor objects containing the data and programs". There is insufficient antecedent basis for this limitation in the claim. Note, although there are functor objects that are received by the invention claimed, there is nothing in the claim that would lend support to those functor objects being collected and/or for the functor objects "containing data and programs."

As noted *supra* with respect to several dependent claims, it is unclear whether applicant's intent is to claim objects generally or functor objects specifically as described in the independent claim and incorporated into the financial model. The relationship between the objects of the dependent claim and the functor objects of the independent claim has not been established.

Applicant argues, Wall and Adler are not combinable in an obviousness rejection.

In response to applicant's arguments, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Remarks

If further clarification is needed, applicant should request an interview with the Examiner prior to submitting the next response.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARA CHANDLER whose telephone number is (571)272-1186. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC

**/JAGDISH N PATEL/
Primary Examiner, Art Unit 3693**